

**BYLAWS  
FOR  
MERCED DEL PUEBLO ABIQUIU**

**APPROVED JUNE 14, 2009**

## MISSION STATEMENT

**Historical Note:** La Merced del Pueblo Abiquiu was established on May 10, 1754 by the Governor of this kingdom de Nuevo Mexico, Tomas Velez Cachupin.

**To:** Los Indios Genizaros ( Genizaro identifies the Plains, Apache and Navajo Indians that were Supplemental Soldiers in the protection of the Pueblos and communities along the Ute frontier)  
Included was a Minister of Christian Doctrine: Fray Felix Jose de Ordonez y Machado.

**The new church:** Santo Thomas Apostol

**By the Laws of:** Los Reinos de las India's in which his majesty orders that where a Pueblo (Merced) is formed, that the Indians have ample water, land and woodlands Plus an Ejido for grazing.

Spain ruled from the period 1598 - 1821

Mexico ruled for a short period from 1821 – 1848 the citizens of this area did not recognize Mexican rule over them.

Mexican American War began on April 1846 and by August 1846 Governor Juan Bautista Officially surrendered New Mexico.

Treaty of Guadalupe Hidalgo ( 1848) A treaty between the United States and Mexican Governments was signed, Addressing the recognition of Spanish and Mexican Land Grant in Article X.

The court of private land claims and the GAO ( 1891)

U.S. Patton: Deeds the Abiquiu Grant to the Half Breed Indians of Abiquiu.

The U.S. Board of land claims and the surveyor General reduced the size of the Abiquiu Grant and Recognize a dispute on Original Boundaries.

Vallecito (de San Antonio)

**MISSION:** The mission of the Merced del Pueblo Abiquiu is to preserve the Merced for its heirs and their families and to promote a sustainable and Healthy community. Based in History, Culture, Language, customs and traditions, Economics, Agriculture and Ecology. To engage the community (Within and beyond the Merced boundaries) in Development activities

**BYLAWS  
FOR  
MERCED DEL PUEBLO ABIQUIU**  
(Organized Under the General Provisions of Chapter 49 NMSA 1978)

**ARTICLE I**

**Enabling Legislation for the Organization of the Land Grant**

The Merced del Pueblo Abiquiu Land Grant is enabled as a Merced, which is a political subdivision of the State of New Mexico, pursuant to the General Provisions, §§ 49-1-1 to 49-1-22, NMSA 1978, as amended in 2004.

**ARTICLE II**

**Names, Objects, Purposes and Principal Place of Business**

The official name of the Merced shall be the "Merced del Pueblo Abiquiu " (also "Town of Abiquiu Land Grant"). Its objects and purposes shall be to identify, determine, acquire and secure the common lands and common waters of the land grant; to control, care and manage its properties and resources; to promote the economic development and local infrastructure of its communities; to conduct the comprehensive planning of its properties; to determine the land uses and zoning of the common lands in accordance with the requirements of the State of New Mexico; and to provide for the health, safety and general welfare of the residents of the Merced. The principal place of business of the "Merced del Pueblo Abiquiu will be located in the Pueblo of Abiquiu in Rio Arriba County, New Mexico, or such other places as designated by the Board of Directors.

**ARTICLE III**

**Description of the Boundaries and Historic Communities of the Merced**

The boundaries of the Merced are as follows: as identified within the Plat of the (sic) Town of Abiquiu Grant, surveyed by Sherrard Coleman, Surveyor General, dated August 26- August 31, 1895

**ARTICLE IV**

**Seal of the Merced**

The Seal of the Merced will have inscribed in it the full name of " Merced del Pueblo Abiquiu " and the words "A Political Subdivision of the State of New Mexico". The Secretary of the Merced shall have custody of the seal.

## **ARTICLE V**

### **Fiscal Year**

The fiscal year of the Merced shall begin on the 1st day of July of each year and end on June 30 of the following year.

## **ARTICLE VI**

### **Acquisition of Common Lands**

#### **Section 1. Acquisition of Lands from Historic Land Grant**

It is the policy of the Merced del Pueblo Abiquiu to re-acquire lands that become available within the historic boundaries of the Merced, and which were lost or removed from the common lands of the Merced since the Treaty of Guadalupe Hidalgo for any reason whatsoever.

#### **Section 2. Acquisition of Patented Lands within Historic Land Grant**

It is the policy of the Merced del Pueblo Abiquiu to re-acquire patented lands that become available within the historic boundaries of the Merced, and which were lost or removed from the common lands of the Merced since the Treaty of Guadalupe Hidalgo for any reason whatsoever.

#### **Section 3. Promotion, Re-establishment and Protection of Historic Land Grant Communities**

It is the policy of the Merced del Pueblo Abiquiu to promote and protect our historic Merced communities and to re-establish and acquire former land grant common lands which have survived within or have been lost from the Merced since the Treaty of Guadalupe Hidalgo.

## **ARTICLE VII**

### **Control, Care and Management of the Common Lands and Common Waters**

It is the policy of the Merced del Pueblo Abiquiu to control, care and manage the common lands in a sustainable manner so that future generations of land grant members can enjoy, use and protect these lands in perpetuity.

The common lands of the Merced include those historic, traditional and customary uses of land allowed by the laws of the State of New Mexico, including those identified in the Kearny Code and subject to the protection of the Constitution of the State of New Mexico, Article II, Bill of Rights, Section 5, "Rights under Treaty of Guadalupe Hidalgo preserved".

It is the policy of the Merced del Pueblo Abiquiu to control, care and manage the common waters in a sustainable manner so that future generations of land grant members can enjoy, use and protect these waters in perpetuity.

The common waters of the Merced include those historic, traditional and customary uses of waters allowed by the laws of the State of New Mexico, including those identified in the Kearny Code and subject to the protection of the Constitution of the State of New Mexico, Article II, Bill of Rights, Section 5, "Rights under Treaty of Guadalupe Hidalgo preserved".

### **Section 1. Conveyance of Common Lands**

Common lands generally cannot be conveyed except for emergency, critical or vital purposes that directly benefit the health, welfare or safety of the residents and members of the Merced. Conveyances of any type for the limited purpose of benefiting the health, welfare and safety of the residents and members of the land grant must be approved by the majority vote of a quorum of the qualified voting members of the land grant at a regular, special or annual meeting of the Merced.

### **Section 2. Mortgage of Common Lands**

Common lands shall not be mortgaged.

### **Section 3. Lease of Common Lands**

Leasing of the common lands is generally limited to those land grant members who can demonstrate capacity and performance to use the leased lands in a sustainable manner which protects long term this vital resource of the Merced. Leasing to land grant members shall be in accordance with the terms and conditions of the rules and regulations promulgated by the Board of Directors for that purpose. Leasing to land grant members must be approved by the majority vote of a quorum of the qualified voting members of the land grant at a regular, special or annual meeting of the Merced.

Leasing of the common lands to non-members of the land grant is only allowed for emergency, critical or vital purposes that directly benefit the health, welfare or safety of the residents and members of the Merced. **Leasing to non-members of the land grant for any purpose must be approved by the majority vote of a quorum of the qualified voting members of the land grant at a regular, special or annual meeting of the Merced.**

## **ARTICLE VIII**

### **Planning and Zoning Authority over Common Lands**

The Board of Directors of the Merced shall exercise as necessary its planning and zoning authority over the common lands of the land grant in order to promote improved long term management of the common lands for the benefit of its members, residents and communities.

### **Section 1. Comprehensive Management Plan**

It is the policy of the Merced that a comprehensive management plan shall be developed before any zoning of the common lands is initiated. The plan shall address all issues which enable the Land Grant to meet its present and future challenges in protecting the common resources of its members.

### **Section 2. Zoning Development and Administration**

Upon the adoption of the comprehensive management plan, the Merced may elect to develop and adopt zoning regulations or ordinances that enable the Merced to properly and effectively protect, develop and manage its land resources based on its present and long term goals

## **ARTICLE IX**

### **Membership**

**Section 1. Membership** The members of this Merced shall consist of those Members named on the list of members as of the Special meeting held on the 20<sup>th</sup> day of November 2005 not withstanding the approved transfers which have occurred since that date. Owners of the Merced del Pueblo Abiquiu shall possess only one and not more than one membership per household, and must be 18 years of age or older. Prospective members of the Merced del Pueblo Abiquiu Grant-Merced must comply, at the minimum, with the § 49-1-1.1 NMSA 1978 definition of "heir".

Any changes in membership must be acceptable to the Board of directors in the best interest of the "Merced del Pueblo Abiquiu"

Categories of Members such as category one (1) and two (2)

- Category 1 Owners fully empowered, voting members, with all rights and benefits of the Merced.
- Category 2 Residents of the community living within the common lands of the Merced, may not vote, hold office nor sit on the executive committee, can attend meetings and give input or comments at appropriate time on the agenda.

**Section 2. Transfer of membership:** Any member may transfer their membership to a member of their family and direct family member approved by the Board of Directors and in accordance with Article IX of these By-laws and shall be placed on the list of members of the "Merced del Pueblo Abiquiu" and the former member removed by written form from the membership. No more than one membership per member.

NOTE: Heir. A member heir must be a "descendent" of an original grantee of the Merced and must have an interest in the common land of the Merced through inheritance, gift or purchase as further defined by these rules

**Section 3: Application/Transfer of Membership:** Application transfer of membership shall be made in an Application Transfer of Membership prescribed by the Board of Directors.

An Administrative fee must accompany the application, which is non-refundable. Upon approval by the Board of Directors the applicant will be presented and inducted at the next Annual or Special Meeting as a member of the "Merced del Pueblo Abiquiu". The member shall be entered into the books of the Merced(Association) and Shall be presented with a certificate and a copy of the By-laws.

- a) The "applicant heir" shall submit an Affidavit of Heirship, a verified Genealogy or other comparable documentation establishing his or her relationship to an original grantee of the Merced, who is identified by name.
- b) The "applicant heir" shall submit proof of the method of his interest in the common lands, whether by inheritance by representation, testate succession, gift or purchase by deed, real estate contract, tax sale or other transfer of legal means.
- c) Upon receipt of the above-referenced proofs of heir ship, the Board of Directors shall accept the heir as a provisional member of the Merced.

**Section 4: Certificate:** The Certificate of this Merced (Association) shall bear on its face the words:  
“Merced del Pueblo Abiquiu”

The Members name and membership number

“Not transferable except in accordance with provisions of Article IX of the By-laws of the “Merced del Pueblo Abiquiu”

**Section 5. Record of Members** The Secretary shall keep a record of the members, their Membership Number, full name and address, Birthdate, and previous owner for Historical record at the time of admission into the “Merced del Pueblo Abiquiu” each member shall notify the Board of Directors immediately of any changes in the membership information.

**Section 6. Withdrawal of a Member:** Any member desiring to withdraw from this Merced (Association) may do so by surrendering to the secretary the member certificate, which shall there upon be placed on hold, and the members shall be stricken from the Membership List of the “Merced del Pueblo Abiquiu”

**Section 7. Termination of a Member:** Upon withdrawal, death, adjudication as an incompetent, or permanent or involuntary or forfeiture surrender of the use privilege of the Properties, Resources, land or lands owned or leased by the “Merced del Pueblo Abiquiu”, or any member, the members certificate in the Association shall be placed on hold.

**Section 8. Expulsion/Suspension of a Member:** Any members who fails to cooperate in the purposes and Objectives of this Merced ( Association), or who acts contrary to the best interests of this Merced (Association) may be expelled or suspended by the members upon recommendation by the Board of Directors, provided that such member is given written notice by the Board of Directors of the charges and an opportunity to appear on their own defense before the Membership at the next annual or Special Meeting, where such recommendation shall have been made, and provided that such recommendation is approved by a majority vote of the members present at such meeting. There upon the membership certificate shall be placed on hold.

Reinstatement of a member: In the event, a suspended member wishes to be reinstated to a Category one (1) member the suspended member must apply to the Board of Directors for reinstatement and satisfy any arrearages and must attend three annual or special meetings in a row.

**Section 9. Duties and Functions of All Members:**

- a) Members shall be aware of the Mission and Bylaws of the “Merced Del Pueblo Abiquiu”
- b) To give loyal support to its objectives, aims and purposes to promote its success;
- c) To take an active part in the Merced’s affairs by attending annual or special meetings of the Merced and to participate in discussion and voting to provide a basis for the Determination of the policies by the Board of Directors.
- d) Members may not miss more than 3 meetings in a row; any member who misses more then Three (3) Annual or Special meetings consecutively will become Category 2 member unless the following criteria is met:

- 1. *member provides power of attorney to a representative who can represent the member at the annual or special meeting;*
- 2. *The member shall be required to submit notification in writing to the Secretary for non-attendance for reason uncontrollable by the member. Notification must be done at least (5) days prior to the Annual or Special meeting;*



3. *Failure to provide written notice shall commence the tabulation of unexcused absence for the Annual or Special meeting; and the consequence shall be the suspension and identification of the member as Category 2 Status*

- e) To support the Merced by patronizing all of it's facilities and services;
- f) To participate in the formulation of and abide by all rules and regulations of the By-laws and Policies and Regulations.
- g) To assist the "Merced" by contributing ones share of additional funds as needed funds for its continuous Operation and Capitalization. The Treasurer shall notify the membership of potential financial hardships at the Annual or Special meeting
- h) To care for any property, resources or goods of the "Merced"
- i) To contribute time for service if elected or appointed by the Board of Directors or any committee that the Board of directors may appoint, and to do any other reasonable things which may make for success of the "Merced"

## **ARTICLE X**

### **Board of Directors**

**Section 1. Management and Powers.** The powers of management and control of the Merced and tracts of land under §§ 49-1-1 to 49-1-22, NMSA 1978 are vested in a Board of Directors, known as "The Board of Directors of the Merced Del Pueblo Abiquiu Land Grant". The Board of Directors has the power to control, care for and manage the Merced and real estate, prescribe the terms and conditions under which the common lands may be used and enjoyed and make all necessary and proper Bylaws. Bylaws are subject to the approval of the membership, and the necessary Rules and Regulations in substantial compliance with all applicable state law.

**Section 2. Number of Directors and Qualifications.** The Board of Directors shall consist of five members, who are qualified voting members (Category 1) of the Merced and who are not in suspended or default of any dues, rent or other payments for the use of the common lands of the Merced.

**Section 3. First and Subsequent Elections.** The first election for Board of Directors consisting of those elected at the first meeting of the Incorporators of the Association shall serve until the first Annual meeting of the members or until their successors are chosen and have qualified. At such first annual meeting, one director shall be elected for a term of one (1) year; Two (2) directors shall be elected for a term of two (2) years; and two(2) directors shall be elected for a term of three (3) years. Thereafter, at each regular annual meeting the members shall elect for a term of three (3) years the number of directors whose terms of office expires at that time. *No member may be elected to the Board to serve a Three (3) year term or more then two (2) consecutive terms.*

Members qualified to serve on the Board shall be nominated and seconded prior to voting. Voting will be conducted by secret ballot.



The nominee/ nominee's receiving the highest number of votes shall be declared elected to the Board of Directors. *In the event of a tie, a second ballot will be conducted to determine the electee*

**Section 4. Election of Officers:** Within ten (10) days after each "Annual Meeting" Of the membership the Board of Directors shall elect from among themselves, a President and Vice President. They shall also elect a Secretary, Treasurer and a Range Manager. The term of office shall be for one year or until his successor is qualified and elected.

**Section 5. Vacancies.** If a vacancy occurs on the Board of Directors, the remaining members shall fill the vacancy by appointment made at a regular board meeting meeting. The person appointed shall hold office until the next Annual or Special Meeting.

**Section 6. Board Meetings.** The Board of Directors shall meet at least once every month on the second Tuesday of each month or at such time and place as may be determined by the Board of Directors, not exceeding one month, as may be prescribed by resolution adopted yearly by the Board of Directors. These meeting shall be at the time and date as posted in English in a public place within the Land-Grant Merced at least ten days prior to the meeting. Special meetings may be held at any time on call of the president, with five days' notice being given to each trustee and to the public by posting. Executive Meetings: the Board of Directors may conduct closed executive sessions with only the Directors and those necessary

**Section 7. Quorum.** A majority of the Board of Directors shall constitute a quorum for the transaction of business, and the Merced and its membership shall be bound by the acts of the Board, pursuant to §§ 49-1-1 through 49-1-19 NMSA 1978 and these Bylaws.

**Section 8. Removal of Directors and Officers.** Any Trustee or Officer of the Merced may be removed from the office with cause, by a vote of not less than a simple majority of the qualified voting members present at any annual meeting, or at any special meeting called for the purpose, provided that a quorum of the qualified voting membership is present. The trustee or officer shall be informed in writing of the charges or reasons against him/her at least ten (10) days before such meeting in person or by counsel, and to present witnesses in his/her behalf at the meeting in which the action is to be taken.

**Section 9. Removal for Unauthorized Absences.** A trustee or official who has three consecutive absences from regular meetings without prior notice to the board shall be deemed to have resigned from the board effective upon his/her receipt of written notice of removal due to three consecutive absences as mailed and signed by the President or Vice-President.

## **ARTICLE XI**

### **Duties of Officers**

**Section 1. Duties of the President.** The President shall preside over all meetings of the Merced and the Board of Directors, shall call special meetings of the Board of Directors and perform all acts and duties usually performed by an executive and presiding officer. He shall sign all membership certificates, notes, bonds, mortgages, contracts and other instruments on behalf of the Merced. He shall be an ex-officio member of all standing committees and shall have such powers and shall perform such other duties as may be properly required of him by the Board of Directors.

**Section 2. Duties of the Vice-President.** The Vice-President, in the absence or disability of the President, shall perform the duties of the President. However, in the case of death, resignation or disability of the President, the Board of Directors shall declare a vacancy in the board of Directors, appoint a successor to fill the unexpired portion of the vacated term, and thereafter re-organize and elect from among themselves the new officers of the Land Grant.

**Section 3. Duties of the Secretary.** Unless otherwise directed by the Board of Directors, the Secretary shall:

- a) Keep a complete record of all minutes of meetings, with attachments as reviewed, of the Merced and of the Board of Directors;
- b) Have general charge and supervision of the books and records of the Merced except for the financial books which will be in charge of the treasurer;
- c) keep a proper membership registration or certificate record, showing the name of each member of the Merced and date of issuance, surrender, transfer, termination, cancellation or forfeiture;
- d) Prepare mail or notices required by law and by these bylaws;
- e) Serve, mail, or deliver all notices required by law and by these bylaws;
- f) Attest the President's signature on all membership certificates and other papers pertaining to the Merced;
- g) Keep the corporate seal, complete and attest all certificates issued and affix said association seal to all papers requiring seal;
- h) Make a full report of all matters and business pertaining to his or her office to the members at the annual meeting, or at such other time or times as the Board of Directors may require.

Upon the election of his or her successor, the Secretary shall turn over to him or her all books and other property belonging to the Merced that he or she may have in his or her possession.

**Section 4. The Treasurer.** The Treasurer shall be covered in the performance of his or her duties by a surety bond in an amount to be determined by the Board of Directors and which will at the minimum be a sum at least double the amount received by and deposited in the bank by the treasurer . The premium of such bond shall be paid by the Merced. Unless otherwise directed by the Board of Directors, the treasurer shall:

- a) Have general charge and supervision of the financial books and records of the Merced;
- b) Make a full report of all matters and business pertaining to his or her office to the members at the annual meeting, or at such other time or times as the Board of Directors may require;

- c) Collect all assessments and monies due the association and cause to be deposited same on a timely basis in the depository in the manner designated by the Board of Directors in the Rules and Regulations;
- d) shall give receipts for all monies collected from all sources, which receipts shall be in the form prescribed by the Board of Directors and shall contain, at the minimum, sequentially numbered and bond receipts books with original and duplicate receipts and the printed or stamped name of the Merced;
- e) Shall disburse funds and keep the Merced current of all compliance reports and accounts payable and shall make a report on the business transacted by him or her on a monthly basis or as requested.

Upon the election of his or her successor, the Treasurer shall turn over to him or her all books and other property belonging to the Merced that he or she may have in his or her possession.

**Section 5. Treasurer Vacancy.** In the event of the death or resignation of the treasurer, the Board of Directors shall fill the vacancy by appointing one of the members of the board as treasurer, who shall, before entering into the performance of the duties of treasurer, execute and furnish to the Board of Directors a good and sufficient surety bond, similar to the bond entered into by the predecessor treasurer.

**Section 6. Range Manager.** Unless otherwise directed by the Board of Trustees, the Range Manager shall:

- a) Be in responsible charge of daily Merced business activities and resource transactions.
- b) Tabulate and provide to the treasurer all receipts from resource sales and infrastructure expenditures.
- c) Have the authority to assign or employ additional Category One or Category Two members to assist the Range Manager with seasonal intensive resource activities.
- d) Represent the Merced at field meetings with any New Mexico State Agencies or United States Federal Agencies. The Range Manager shall report to the Board at the Monthly meeting on matters discussed and what action is necessary. If the matter is of significant concern, initiate the calling of a Special Board meeting for discussion and action to be taken.
- e) Make a full report of all matters and business pertaining to his or her office to the members at the annual meeting, or at such other time or times as the Board of Trustees may require.

Upon the election of his or her successor, the Range Manager shall turn over to him or her all books and other property belonging to the Merced that he or she may have in his or her possession.

**Section 7. Other Employees or Agents.** The Board of Directors may appoint, in addition to the officers named above, other agents or employees which may be necessary to conduct the business of the Merced. Such agents or employees may be authorized by the Board of Directors, under its direction and pursuant to its rules and regulations, to provide for the business and general welfare of the members of the Merced. Such agents or employees shall be paid a compensation for the performance of their duties in an amount to be determined by the Board of Directors.

- a) Those employees or agents authorized by the Board of Directors to collect money Due and owing to the Merced shall be bonded in the same manner as is provided in the bonding of the treasurer;
- b) Those employees or agents authorized by the Board of Directors to collect money Due and owing to the Merced shall give receipts for the money collected, which receipts shall be the form prescribed by the Board of Directors.

## **ARTICLE XII**

### **Meetings of Members**

**Section 1. Date and Time of Membership Annual Meeting.** The annual membership meeting of the Merced will be held annually. The meeting will be held in a public place within the Merced as may be determined by the Board of Directors and on the first (1<sup>st</sup>) Sunday in June as specified in the call to Meeting "Notice of Annual meeting." In the event that such meeting cannot be held on this day, the meeting will be rescheduled and held within thirty (30) days of the date specified above.

The Secretary of the Merced shall give written notice of such meetings by mailing or delivering written notice to each member of record at his address as it appears upon the records of the Merced, at least thirty (30) days prior to the date of such meeting. Such notice shall state the time and place of such meeting.

**Section 2. Meetings to be Public; Annual Report.** All meetings of the Board of Directors, including the annual membership meeting, shall be held in accordance with the Open Meetings Act, § 10-15-1.1 NMSA 1978. Executive sessions shall not be held except in accordance with the Open Meetings Act. All members (voting and non-voting members) of the Land-Grant Merced shall have the right to be present at all times when the Board of Directors is in session and to be heard on all matters in which they may be interested. The members of the public (non-members) may attend all meetings and participate in discussions at the invitation or with the approval of the Board of Directors.

The Board of Directors shall annually make public a report of all its transactions for that year. The report shall be based upon agendas, minutes, actions taken and include all financial transactions. The report shall be maintained by the Secretary in the office of the Merced and available for public review and inspection.

The Secretary of the Board of Directors shall maintain, in a book or other electronic manner, minutes of the business transacted at each meeting of the Board.

**Section 3. Calling for Special Meetings.** Special meetings of the members of the Merced may be called at any time by the President, or upon resolution of the Board of Directors upon a written petition to the President of the Board, signed by fifteen (15%) percent of the members. The purpose of every special meeting will be stated in the notice thereof, and no business shall be transacted thereat, except such as is specified in the notice.

**Section 4. Quorum.** *One Third (33%)* of the total qualified voting membership of the Merced will constitute a quorum at any annual or special meeting of the membership for the transaction of business. If no quorum is determined, another meeting will be held within thirty (30) days. At that meeting the qualified voting members present will constitute a quorum for the transaction of business.

**Section 5. Meeting Agenda.** The order of business at the *Annual or Special* meeting of the members, and as far as possible at other meetings, shall be:

1. Proof of Notice of Meeting
2. Call to Order and Proof of Quorum
3. Approval of Agenda
4. Proof of Notice of Meeting
5. Approval of Agenda
6. Reading and Action on Minutes of Previous Meeting
7. Old Business
8. New Business
9. Reports of Officers and Committees
10. Election of Directors
11. Announcements
12. Adjournment

**Section 6. Voting.** All voting in land grant elections shall be conducted in accordance with the requirements of the Bylaws

**Section 7. Voting rights:** Each member shall have one vote and only one (1) vote on all occasions. There shall be no voting by mail. Election of Board of Directors shall be by ballot. Voting on all other matters shall be by show of hands, unless majority of members present at the meeting shall decide to vote by ballot.

### **ARTICLE XIII**

#### **Other**

**Section 1. Form of Registration or Certificate.** The Board of Directors will determine the form of membership registration, which may include a certificate signed by the President and his or her signature attested by the Secretary, who shall impress thereon the Corporate Seal of the Merced, provided that the form of certificate, in addition to any other matters required by the Board of Directors to appear therein, shall contain any statements required by the Laws of the State of New Mexico.

**Section 2. Membership Book.** As a part of the records of the Merced, there shall be kept a Membership Book, which will contain a list of the members or a list of the certificates of membership which have been issued, noting the number of the certificate, the date thereof, and the name and address of the person to whom issued, and other information as required.



## **ARTICLE XIV**

### **Policies and Procedures**

The Board of Directors of the Merced Del Pueblo Abiquiu Merced are authorized to promulgate all rules and regulations necessary to fulfill the purposes of the Land-Grant Merced, which are in conformity with the Constitution of the State of New Mexico, the Statutes Annotated of New Mexico and the Bylaws of the Merced.

**Section 1. Proposed Rules and Regulations.** The Board of Directors will develop the proposed rules or regulations and distribute the proposals to all members of the land grant before taking any formal action.

**Section 2. Comment Period.** The membership of the land grant shall have a minimum of 30 days to review and comment on the proposed rules or regulations before the Board of Directors can act to modify, amend, adopt or approve same.

**Section 3. Emergencies:** In the case of an emergency the Board of Directors is authorized to make or promulgate emergency rules or regulations which shall take effect immediately. Copies of the emergency rules or regulations shall be distributed to the membership of the land grant which shall have a minimum of 30 days to review and comment on the emergency rules or regulations. At its next Board Meeting, the Board of Directors shall act to modify, amend, adopt, ratify, rescind or approve same.

## **ARTICLE XV** **RESOURCES**

These Bylaws may be modified, repealed or amended by a vote of the majority of the qualified voting members present at any annual meeting of the Merced, or at any special meeting called for that purpose, so long as all such amendments are consistent with the Constitution of the State of New Mexico, the Statutes Annotated of New Mexico and the Bylaws of the Merced.

**Section 1. Grazing and Resources:** All resources including grazing will be managed through policies created by the Board of Directors using the most current land management and Grazing Practices with the ecology, biodiversity and environmental conditions in mind for a sustainable future and with the best interest of the "Merced Del Pueblo Abiquiu" and its mission.

**Section 2: Materials:**

Brush, firewood, rock, earth and other resources: the Board of Directors has the right to sell brush, firewood, rock, earth and other resources to the members and non-members.

**Section 3. Fees:** The Board of Directors of the Merced will make a determination of Fees for any resources, Dues, Administrative or any other need necessary as policy and present any changes to the Members for approval at any annual or Special Meeting.



**ARTICLE XVI**  
**Record of Historic Action**

**Section 1. Land which can be deeded to members:** A line shall be established along the road from Barranco to Abiquiu, to where it connects with the lands of Silviano Suazo and from thence following the existing fences until arriving at property of Simon Martinez; thence from there to the White Cliffs; from thence to the edge of the Hill of the Moque Morada following the fences of the gardens to connect to the fence on the road to the rasgunial. The lands or house lots which are in possession of the people below this line and up to the grant boundaries, shall be given a deed for the sum of \$1.75 to pay for the cost of paper and notary. Land from there on down which are not in the possession of anyone shall be sold to the membership in closes proximity without detriment to each other at the direction of the Board of Directors for a sum commensurate with the land.

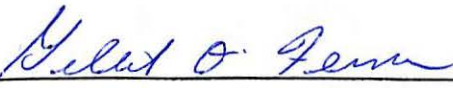
**Section 2. La Carrera.** This amendment was enacted on the 18<sup>th</sup> day of January 1961 by a majority vote of two thirds of the membership. Lots will be sold in La Carrera, and only in La Carrera and only for residential purposes for members and their families, and not with the purpose of resale for profit. This lots will not be sold to strangers and it shall be a condition on the deed that if there is no direct heir the lots will revert back to the grant.

The commission will determine the prices for the lots and the price shall be a reasonable price.

.....

We, the undersigned President, Secretary and Directors of the Board of Directors for the Merced Del Pueblo Abiquiu Merced existing under the General Provisions, §§ 49-1-1 to 49-1-22, NMSA 1978, and other laws of the State of New Mexico, hereby certify that the above is a true and correct copy of the Bylaws, together with all amendments thereto, which were duly adopted on **June 14, 2009** by a majority vote of the quorum of qualified voting members of the Merced.

MERCED DEL PUEBLO ABIQUITU

By   
Gilbert O. Ferran, President

P.O. Box 179  
ABIEUITU, N.M. 87510

[SEAL]

ATTEST:

By   
Alfred Garcia, Secretary